

# Notice of Allowability

Application No.

09/632,341

Examiner

Rachel L. Porter

Applicant(s)

JORDAN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 4/8/05.
2. ☒ The allowed claim(s) is/are 1-19 and 22-26.
3. ☒ The drawings filed on 8/3/00, 5/23/03 and 10/6/03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**JOSEPH THOMAS**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

**DETAILED ACTION**

***Notice to Applicant***

1. This communication is in response to the amendment received 4/8/05. Claims 1-19 and 22-26 are pending.

***Claim Rejections - 35 USC § 112***

2. The rejections of claims 3-5,12-15,24-25, and 27 under 35 U.S.C. 112, second paragraph, are withdrawn due to the amendment filed 4/8/05.

***Allowable Subject Matter***

3. Claims 1-19 and 22-26 are allowable.
4. The following is a statement of reasons for the indication of allowable subject matter:

**Method**

The closest prior art of record Davis et al ("The Information System Consultant's Handbook: Systems Analysis and Design", CRC Press) and Feurer et al ("Performance Measurement in Strategic Change") in view Nagai teach method for identifying customer/organization goals, mapping behaviors to measures (i.e. metrics), relating different measures to one another and building models.

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However, the closest prior art of record does not teach or fairly suggest a method further comprising performing the following steps in the specific manner and combinations recited in independent claims 1,4,8,12,17 and 18:

- 1) building measurement model work product by building a first draft measurement model and a second draft measurement model;
- 2) building the first draft measurement model by selectively executing a first prioritization process and a second prioritization process, wherein the first prioritization process determines for each measure/metric a relationship with each behavior satisfied by the measure/metric and wherein the second prioritization process determines for each measure a relationship with each other measure; and
- 3) building said second draft measurement model by selecting measures prioritized selectively by behaviors satisfied and related measures.

Moreover, the closest prior art of record does not disclose or fairly suggest the details of developing multiple tables in the first and second prioritization processes, determining for each metric/measure a subtotal representing how each metric in a given a category relates to other metrics/ measures and prioritizing these behaviors as desirable for constructing a second draft measurement model.

Dependent claims 2,3,5,9, and 13-15 incorporate the allowable subject matter of their respective independent claims, through dependency, and are also allowable for the same reasons.

**System:**

The closest prior art of record Davis et al ("The Information System Consultant's Handbook: Systems Analysis and Design", CRC Press) and Feurer et al ("Performance Measurement in Strategic Change") in view Nagai teach system which identifies customer/organization goals, maps behaviors to measures (i.e. metrics), relates different measures to one another and building models.

However, the closest prior art of record does not teach or fairly suggest a system, which performs the following steps in the specific manner and combinations recited in independent claims 6, 10, 16, and 19:

- 1) building measurement model work product by building a first draft measurement model and a second draft measurement model;
- 2) building the first draft measurement model by selectively executing a first prioritization process and a second prioritization process, wherein the first prioritization process determines for each measure/metric a relationship with each behavior satisfied by the measure/metric and wherein the second prioritization process determines for each measure a relationship with each other measure; and
- 3) building said second draft measurement model by selecting measures prioritized selectively by behaviors satisfied and related measures.

Moreover, the closest prior art of record does not disclose or fairly suggest the details of developing multiple tables in the first and second prioritization processes, determining for each metric/measure a subtotal representing how each metric in a given a category relates to other metrics/ measures and prioritizing these behaviors as desirable for constructing a second draft measurement model.

Dependent claims 7 and 11 incorporate the allowable subject matter of their respective independent claims, through dependency, and are also allowable for the same reasons.

**Program Storage Device:**

The closest prior art of record Davis et al ("The Information System Consultant's Handbook: Systems Analysis and Design", CRC Press) and Feurer et al ("Performance Measurement in Strategic Change") in view Nagai teach a computer-implemented method (program storage device embodying machine executable instructions to perform a method) which identifies customer/organization goals, maps behaviors to measures (i.e. metrics), relates different measures to one another and building models.

However, the closest prior art of record does not teach or fairly suggest a computer-implemented method (program storage device embodying machine executable instructions to perform a method), which performs the following steps in the specific manner and combinations recited in independent claims 22,23,24,25 and 26:

- 1) building measurement model work product by building a first draft measurement model and a second draft measurement model;
- 2) building the first draft measurement model by selectively executing a first prioritization process and a second prioritization process, wherein the first prioritization process determines for each measure/metric a relationship with each behavior satisfied by the measure/metric and wherein the second prioritization process determines for each measure a relationship with each other measure; and

3) building said second draft measurement model by selecting measures prioritized selectively by behaviors satisfied and related measures.

Moreover, the closest prior art of record does not disclose or fairly suggest the details of developing multiple tables in the first and second prioritization processes, determining for each metric/measure a subtotal representing how each metric in a given a category relates to other metrics/ measures and prioritizing these behaviors as desirable for constructing a second draft measurement model.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

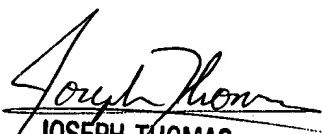
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel L. Porter whose telephone number is (571) 272-6775. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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